

ESSAY

None Dare Call It Billygate

By William Safire

WASHINGTON — The President's brother has grudgingly admitted much of what has been suggested in this space for 18 months — that he was secretly taking payments from the terrorist regime of Libyan dictator Muammar el-Qaddafi while acting as his propagandist and agent of influence.

The greater scandal is that he will not be prosecuted for having broken the disclosure law. Senate investigators will soon be looking into these examples of Carter favoritism:

1. Carter officials gave the Libyans good reason to believe that Billy Carter had foreign-policy influence. The President's Appointments Secretary directed the two top Arabists on the National Security Council staff to brief the President's brother and his associate. The Washington Star revealed that they spoke on four occasions, a courtesy unavailable to other lobbyists and one bound to impress Dictator Qaddafi.

On top of that, the U.S. chargé d'affaires in Tripoli met with Billy Carter and asked him to carry "nonspecific" messages to the dictator on behalf of the U.S. Government.

2. To protect the President's brother, the Carter Justice Department has in effect repealed the criminal provisions of the Foreign Agents Registration Act. For 16 months, Philip Heymann's Brotherly Love Division groveled before Billy Carter's stonewalling, never considering a grand jury investigation. As a result, the intent of Congress is set aside: no overt propagandist for a foreign power need register. If caught, he can follow the Carter precedent: sign a civil consent decree and pay no penalty.

3. Somebody in the White House may have known of the \$220,000 payoff in May, before the Justice Department learned of it on June 2, and tipped Billy off to the perils of misleading the F.B.I. Ordinarily, intelligence gathered by clandestine or electronic

means about Libyan assassination or penetration plans would go to Zbigniew Brzezinski. The National Security Adviser informs me he did not receive information about Billy Carter's deal with Qaddafi; he also denies prior knowledge of the briefings of the President's brother by his staff.

However, after a year and a half of brushing off the polite queries from Joel Lisker at Justice, Billy Carter suddenly volunteered to come in to check on the status of the investigation — exactly eight days after the lawman had learned of the payoff. Guilty conscience — or inside information? If the latter, a special prosecutor would have to look into an obstruction of justice.

4. The White House may have improperly involved itself in Billy Carter's defense. On June 11, when the nature of Non-Prosecutor Lisker's questioning led Billy Carter to believe that the payments had been discovered, the panicked brother of the President telephoned Mr. Brzezinski. That was odd — why the National Security Adviser?

"I'm a friend of the family," Zbig replies. He does not want to take questions about Billy Carter at all. "He called me up and said he wanted to talk to me. He came to see me. The minute he opened his mouth about the Justice Department, I called Lloyd Cutler in."

Presidential Counsel Cutler tells me he spoke to Carter for two or three minutes about his foreign agent problem, then recommended a specific attorney. Cutler called Stephen Pollack, head of the D.C. bar, who had represented Hamilton Jordan, and put him on the telephone to the President's brother; they made an appointment.

Attorney Pollack called Justice after he had been retained, told Mr. Lisker that the case had been referred to him by the White House and said that Billy would answer no further questions that day. Mr. Pollack and his partner, former special prosecutor Henry Ruth, made four calls to White House Counsel Cutler while working out the no-penalty consent.

"What's wrong with recommending a good lawyer?" demands Lloyd Cutler, an honorable man indignant at a suggestion of impropriety. To say "see a lawyer" is proper, but for any high Government official to specify "see this particular lawyer," whoever it is, is improper. For Mr. Pollack to say to the Justice Department that the case had been referred to him by the White House was also unconsciously unconscionable; for him to report to the White House counsel on the progress of the case may have improperly provided the Chief Executive — charged with "executing the law" — with too much information about the Justice Department's treatment of his brother.

5. The President and his brother do not have their stories straight. Asked by reporters on July 15 if he had talked to his brother about the consent decree, Billy Carter replied: "No, I have not. I have not talked to Jimmy about it at all." But two days later, the brother of Qaddafi's agent stated: "Just a few days ago I recommended to Billy that he go ahead and make a complete revelation."

Why had the President not advised "a complete revelation" before the Government learned of the payoffs? Did he assure his brother that no prosecution would follow his admission of what was already known? Was a witness present? (Ah, for a tape of that meeting.)

And why — this question keeps nagging — was Billy Carter's first panic-stricken call from the Justice Department to Zbigniew Brzezinski?